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10/690,243	10/20/2003	Michael Frederick Kenrich	2222.5460000	3428

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EXAMINER	
HOMAYOUNMEHR, FARID	
ART UNIT	PAPER NUMBER
2434	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,243	KENRICH, MICHAEL FREDERICK	
	Examiner	Art Unit	
	FARID HOMAYOUNMEHR	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,18-38 and 45-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,18-38 and 45-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: application, filed 10/20/2003; amendment filed 5/18/2011.

2. Claims 1-16, 18-38, 45-51 are pending in the case. All claims have been amended.

Response to Arguments

3. Applicant's argument relative to rejection under section 101, in view o the amendments is reviewed and found persuasive. Such rejection is withdrawn.

4. Applicant's argument relative to rejection under section 103 is reviewed carefully and found non-persuasive.

5. Applicant initially argues that the claims include the feature that was the basis for examiner's earlier allowance. However, as indicated in the previous Office Action, after reviewing the associated part of the specification relative to said feature, it was determined that, any system that stops the approval process once it is determined that one of the critical approvals have rejected the request, would disclose such feature. After further review of the prior art, it was determined that paragraph [0089] of Morinville

(US Patent Application Publication No. 2002/0062240) teaches such scenario. In light of such disclosure by prior art, it is also determined that other claims are also made obvious by the prior art.

6. Applicant further argues that the reference does not teach the claim requirements according to an example described in the Specification. Specifically, applicant argues:

> "Using the above example, if a quorum of three approvers (out of five) has denied approval, then approval by a quorum is not possible. In the claim language, "determining, for at least one response received from the approvers, whether it remains possible for a quorum of the approvers to approve the requested security change," it is possible to determine (based only on factors relevant to a "quorum"), the possibility of approval. In contrast, even if this same condition is true in Morinville, the approval process would not stop. Instead, Morinville could only stop the approval process early if one of the "necessary approvers" declines the request, a condition which is unrelated to quorum."

However, the details of the discussed example are not found in the claim language. Basically the example shows that if at any point the approval cannot possibly be obtained, the process of approval should not continue. The concept is used to interpret and reject the claim, as it is shown by Morinville. The details of the example discusses a group of 5 approvers and a quorum of 3, stating that when 3 approvers already deny the request, it does not remain possible to approve. While, this example and many other

examples can point out to one scenario that fits the claim requirement, they are not the only possible scenarios. The details of such example are not required by the claim. The claim requires determining whether it remains possible for the quorum to approve the request, which is broader than the details of the example. Morinville depicts a scenario that fits the claim requirements, and hence makes the invention obvious.

Applicant's argument relative to dependent claims is based on the same argument discussed above. Accordingly, applicant's argument is found non-persuasive.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 4, 15, 30, 37, 38, 45 and 46, 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futugami et al. (US Patent No. 6754665, filed June, 2000), hereinafter called Fug, in view of Kleckner and further in view of Morinville (US Patent Application Publication No. 2002/0062240, published May 23, 2002).

8.1. As per claims 1, 15, 30, 45 and 46 Fug is directed to a system for approving security change (see figures 18-21 and associated text, describing a system for providing personal information between a management server 6 and a client terminal (access requester) which has issued a retrieval request and between the management server 6 and a client terminal of a user (personal information owner) whose personal information is requested. The system describes a situation where the information requestor requests a change in permission to access user personal information (restriction removal inquiry). Column 18 line 27 to col. 20 line 67, and particularly col. 20 lines 60-67 teaches that a request for change in permissions to access user data is sent from a requestor and approved. User personal information is stored in a file (see for example col. 18 lines 7-25), and the file system is secured. The file system is secured because accessing to information requires authentication. Also see col. 17 line 62 to col. 18 line 37, where the personal information is stored on vcards, which is a file. Therefore, Fug teaches a system for receiving a request for the security change from a requestor, the security change being used for determining access rights to comprising permission to retrieve an electronic file from within a secure file store);

Also, Kleckner is directed to a method for approving a security change (parag. 127 to 132) for a file security system that secures electronic files (per abstract, Kleckner provides a system that uses digital signatures to validate an amendment to a financial transaction. Parag. 135 shows that the transactions are performed using records (files) that are secured using digital signatures.), said method comprising: receiving a

requested security change from a requestor (parag. 131, where the new policy is communicated to a second security officer), the security change being used for determining access rights to an electronic file (paragraphs 134 and 135 show that the transaction record status is changed, pending valid approvals. Therefore, Kleckner teaches control access to the transaction record (electronic file)); identifying a plurality of approvers to approve or disapprove of the requested security change (the second security officer who verifies the change. Note that per parag. 131, at least one officer is required to review, therefore suggesting a plurality of reviewers.) by accessing an approver set in an approval manager module (Kleckner teaches identifying approvers, but it does not explicitly teach an approval manager module that identifies the approvers. Morinville teaches a Build process (paragraph 0087 and Fig. 9) where the request for approval is built and the list of approvers is identified. Kleckner and Morinville are analogous art, as they are both directed to the process of obtaining approvals for change in a process. At the time of invention, it would have been obvious to the one skilled in art to include the process of approver identification as taught by Morinville, in Kleckner's system. The motivation to do so would have been to facilitate the creation of the approval process in Kleckner's system by using a system that allows creation of detailed and flexible approval process.); notifying the approvers of an approval request for the requested security change (Kleckner parag. 131 as discussed above); determining whether the requested security change is approved based on responses from the approvers to the approval request (parag. 131 where the second security officer signs and stores the new policy in the database); and performing the

requested security change when said determining determines that the requested security change has been approved (parag. 132).

Morinville paragraph [0089] also teaches determining, for at least one response received from the approvers, whether it remains possible for a quorum of the approvers to approve the requested security change (see applicant disclosure at paragraph [0051] regarding the limitation, and note that Morinville paragraph [0089] teaches that the process of approval stops when it is determined that one of the necessary approvers has rejected the request. This means that the system determines, based on an approver decision (the one that rejected the request), whether it remains possible for the quorum to approve the request or not.

Fug and Kleckner in view of Morinvile are also analogous art, as they are both directed to system for controlling access to information. At the time of invention it would have been obvious to implement the approval process of Kleckner in view of Morinvile in the system of Fug, which manages permissions for providing personal information. The motivation would have been to improve the change inquiry process of Fug such that permission is allowed when a group of approvers approve the change request. This way a user may rely on approvers' expertise to decide if he/she should allow access to his/her personal information.

8.2. With regards to claim 4, Kleckner and Morinville are directed to a method as recited in claim 1, wherein determining whether the requested security change in approved includes determining that no one of the plurality of approvers is authorized to individually approve the requested security change (Kleckner parag. 130).

8.3. With regards to claims 37 and 38, Fug teaches a scenario where the personal information is stored on the requestor (Figure 4 and associated text shows user transmits its own information to a server. Therefore, the information is stored on the user side. This makes it obvious to use the system to manage information and permissions to access information on client's own computer.) and a scenario where the personal information is store on the server 6 (see figures 9 and 18 and associated text).

8.4. As admitted by the applicant, the requirements of claims 49-51 are similar to the independent claims.

9. Claims 2, 3, 5-14, 16, 18-29, 31-36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fug, Kleckner and Morinville as applied to claims 1, 4, 15 and 30 above, and further in view of Gune et al. (US Patent No. 7,131,071, filed March 29, 2002).

10. With regards to claims 2, 3, 5-14, Fug and Kleckner in view of Morinville is directed to the method of claim 1 and teaches an approval process to control changes

to security policies. However, Fug and Kleckner in view of Morinville does not discuss all the additional details related to the approval process as required by the dependent claims.

Kleckner, however, does require establishment of an approval process to perform trade approval, as well as an approval process to make changes to security policies. Therefore, a system capable of creating a detailed approval process would improve the system taught by Kleckner because it facilitates creation of the approval process required in Kleckner, and also makes creation of the approval process more flexible and efficient.

Gune's invention is directed to a facility for defining an approval process (abstract) for approving different types of requests. Gune's system allows defining the details of elements of the approval process. At the time of invention, it would have been obvious for a person skilled in art to integrate Gune's facility, which allows detailed and flexible creation of an approval process (see for example col. 2 line 53 to col. 3 line 40), in the system of Kleckner to allow creation of a detailed approval process. As mentioned above, the motivation to do so would have been to facilitate the creation of the approval process in Kleckner's system by using a system that allows creation of detailed and flexible approval process.

The combined system of Fug, Kleckner, Morinville and Gune is directed to limitations of the claims as follows:

10.1. With regards to claims 2 and 3, transmission of notification to the approvers, and reception of their response using email is suggested by Kleckner col. 1, lines 25 to 37.

10.2. With regards to claim 5, Gune teaches arrangement of approvers in sets in col. 11 lines 18-25.

10.3. With regards to claim 6, Kleckner col. 9 lines 12 to 51 describes the AND approval process element, which requires two or more paths (approval process elements) to be approved independently so the overall process could be approved. Moreover, Fig. 21 describes an example showing each element (which could be a group, as discussed in rejection of claim 5) required to be approved independently for the entire process to be approved. Therefore, Gune teaches approval determining requiring approval from more than one plurality of groups.

10.4. As per claim 7, Gune col. 1 lines 36 to 44 shows a hierarchical approval process, which progression to a next level of hierarchy requires approval from the current level.

10.5. With regards to claim 8, the security officers of Kleckner are users of the security system as they use the system to secure the transactions.

10.6. With regards to claim 9, Gune col. 13, lines 33 to 43 indicates that subset of each element, which includes the group element could be used to define the approval process. Therefore, Gune teaches an approval process wherein a subset of set of approvers can approve the request.

10.7. With regards to claim 10, Gune col. 12 lines 3 to 12 describes creating an approval process relative to the type of request. Therefore, Gune teaches an approval process wherein the selected elements (approvers) are dependent on the type of request.

10.8. With regards to claim 11, Gune col. 10, lines 30-35 teaches selecting an approver based on its position relative to the creator of the request. Therefore Gune teaches and approval process wherein the approvers are identified depending on the requestor.

10.9. With regards to claims 12 and 13, Gune col. 3, lines 19-27 teach simultaneous and concurrent notification of approvers.

10.10. With regards to claim 14, Kleckner teaches a system for securing trade records, which are electronic documents.

10.11. With regards to claim 16, Kleckner teaches the importance of separation of duties, and also teaches the security policy changes approval by a security officer and not the administrator. Therefore, Kleckner teaches an approval manager who changes approval process without any interaction form administrator(s).

10.12. With regards to claim 19, use of digital signatures to authenticate the sender of an email message was well-known to a person skilled in art at the time of invention.

10.13. With regards to claims 20 and 29, a key store connected to the system that uses digital signatures is inherent to systems using digital signature because keys are integral parts of digital signatures.

10.14. The limitations of the following claim are substantially the same as the corresponding claim:

Claims 18 and 31 correspond to claim 2

Claims 19 and 32 correspond to claim 3

Claims 21 and 33 correspond to claim 4

Claim 22 corresponds to claim 5

Claim 23 corresponds to claim 6

Claim 24 corresponds to claim 7

Claim 25 corresponds to claim 8

Claim 26 corresponds to claim 9

Claim 27 corresponds to claim 10

Claim 28 corresponds to claim 11

10.15. The limitations of claims 34-36 are substantially the same as limitations of claims 2, 3, and 4 sequentially, with the added limitation that if there is no approval required, the request is granted without the need to obtain approvals. This limitation is taught by Morinville paragraphs 77 or 86.

10.16. Claims 47 and 48 are dependent on claims 34 and 36, with added limitation similar to claim 45.

10.17. With regards to claims 39-44, the claims are dependent on independent claims discussed above with the added limitation of: determining, for at least one response received from the approvers, whether it is possible for a quorum of the approvers to approve the requested security change.

As discussed regarding the independent claims, the prior art teaches that the requested security change will happen when a quorum of approvers approve the request. Therefore, once the approval is indicated by the approvers, it makes it obvious to determine that it is possible for the quorum of approvers to approve the security change.

This is because the quorum of approvers has already approved the request. See also the Response to Arguments section in the last Final rejection.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 7.39. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Farid Homayounmehr/

Primary Examiner

AU: 2434

7/29/2011